

REMARKS

Claims 1, 3, 5-7, and 9 are pending in the subject application upon entry of the amendments. Claims 1, 3, 5, 6, and 9 have been amended to more clearly describe certain aspects of the invention. The specification has been amended to cure informalities. Favorable reconsideration in light of the amendments and the remarks which follow is respectfully requested.

Restriction Requirement

The claims are subjected to a Restriction/Election Requirement, categorizing the claims as follows:

- Group I: Claims 1 and 3, drawn to a method for amplifying ATP;
- Group II: Claim 8, drawn to a method for detecting the presence of a microorganism;
- Group III: Claims 6 and 7, drawn to a kit for detecting the presence of a microorganism; and
- Group IV: Claim 9, drawn to a fusion protein.

The Office Action concedes on page 3 that the inventions of these groups recite the feature "a fusion protein that has a polyphosphate kinase and an adenylate kinase in this order from the N-terminal." The Office Action, however, contends on page 3 that the feature is not a "special feature" as it does not make a contribution over the cited art in view of Satoh (Biosci, Biotechnol Biochem, 68 (6) 1216-20, June 2004).

It is submitted that as discussed in the following section, Satoh is not citable prior art with respect to the subject application. Accordingly, withdrawal of the Restriction/Election Requirement is respectfully requested.

Objection to the Specification

The disclosure of the specification stands objected to because of informalities. The Examiner's comments are appreciated and have been appropriately addressed. Hence, it is respectfully requested the informality objection be waived.

Objection to the Claims

Claims 1 and 3 stand objected to because of the use of the acronyms ATP, ADP, and AMP. The claims have been amended to spell out the terms. Accordingly,

withdrawal of this objection is respectfully requested.

Rejection of Claim 1 Under 35 U.S.C. § 112, Second Paragraph

Claim 1 stands rejected under 35 U.S.C. § 112, second paragraph, because according to the Office Action, claim 1 is incomplete for omitting essential steps.

It is submitted that claim 1 is directed to a method for amplifying adenosine triphosphate and that the method is completed by allowing the claimed fusion protein to act on a mixture containing adenosine triphosphate, adenosine monophosphate, and a polyphosphate compound, as recited in claim 1. Therefore, claim 1 is indeed complete. Withdrawal of this rejection is respectfully requested.

Anticipation Rejection

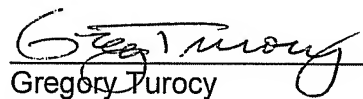
Claims 1 and 3 stand rejected under 35 U.S.C. § 102(a) over Satoh (Biosci, Biotechnol Biochem, 68 (6) 1216-20, June 2004). Satoh relates to ATP amplification for ultrasensitive bioluminescence assay.

It is submitted that Satoh is not citable prior art with respect to the subject application. The subject application is entitled to the benefit of the filing date of a prior Japanese Application No. 2003-202992, filed on July 29, 2003. Enclosed herewith is English translation of Japanese Application No. 2003-202992. The filing date of the Japanese Application is prior to the publication date of Satoh. Accordingly, withdrawal of the rejection is respectfully requested.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063.

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number below.

Respectfully submitted,
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